

**JOINT LAND USE BOARD
REGULAR MEETING MINUTES
November 7, 2013**

Chairman Schwager called the meeting to order at 7:00 pm.

Adequate notice of this meeting had been provided in accordance with the Open Public Meetings Act.

Chairman Schwager led all present in the Pledge of Allegiance.

Roll was as follows:

John Casella – Present, Frank Costantini – Present, John Descano –Present, Blair Hannigan – Present, John Juliano – Present, Paul Lott – Present, Mayor Maccarone – Present, Chief Marino – Present, Joe Maugeri – Absent, Alan Schwager – Present, Bob Rushton – Present.

Also present: Mike Aimino – Solicitor, Tim Kernan – Planner and Jim McKelvie – Engineer.

First on the Agenda are the Minutes from the regular meeting of October 3, 2013. F. Costantini made a motion to approve which was seconded by J. Juliano. All were in favor.

Next on the Agenda is a Resolution of Review and Analysis of the Woolwich Township Joint Land Use Board with respect to Woolwich Townships Transfer of Development Rights Program pursuant to N.J.S.A. 40:55D-156 and Woolwich Township Code Chapter 203-51N

J. Juliano made a motion to approve which was seconded by J. Descano. Roll was as follows:

J. Juliano – yes, J. Descano – yes, Chairman Schwager – yes, B. Rushton – yes, B. Hannigan – yes.

Moving on to Four Seasons at Weatherby Phase 2B, which is an Amended Final Major Subdivision.

Mr. Thomas Smith was present to represent the applicant K. Hovnanian Homes. This amended final approval relates to certain improvements at the entrance along Auburn Road. They are seeking the movement of the gate, along with a break in the island and a left turn lane on to Auburn Road. There is a traffic light that has been installed and these improvements are required in connection with County Planning Board Approval of that traffic light and are necessary in order to bring that traffic light in to a working condition.

Mr. Ray Papa of Najarian Associates and Craig Sullivan who is the Land Development Manager with K. Hovnanian Homes were both sworn in by Mike Aimino.

Mr. Smith stated that he had 2 exhibits that he would like to mark into the record as A1 and A2. A1 is an aerial photograph of Auburn Road and Somerfield Road as it is today.

Mr. Papa gave a brief explanation of the intersection as it is today. He stated that the purpose of the changes is to realign the handicap ramps and move the gate.

Chairman Schwager asked about the County being concerned about vehicles not being able to turn around. Mr. Papa stated that now they can pull further in to the site and be able to turn. Their main concern was a big truck pulling in and having to back out on to Auburn Road. Chairman Schwager stated curb to curb they are 55' and how is a truck going to turn around in that. Mr. Papa stated that a truck will have to call the front gate and have them open the gate for them.

Mr. Papa stated that he has gone through the review letters and he agrees to meet the comments.

Jim McKelvie continued with his review letter dated November 4.

Mr. Smith stated that they will comply with the comments in Mr. McKelvie's letter.

J. McKelvie asked about the sidewalks and curb ramps and who would be responsible for them. Mr. Papa stated that it would be the HOA; as well as the streets and open space.

Conversation continued on the sidewalks and the right of way.

Mr. McKelvie stated that some additional details may be required for the curb ramps; they are not shown on the plan. Mr. Papa stated that they will provide those details.

Tim Kernan continued with his letter dated November 4. His only concern was about the proposed bituminous walking path.

F. Costantini made a motion to open to the public which was seconded by J. Descano. All were in favor.

Mr. Ted Lovel of 16 Wilshire Blvd. was sworn in by Mr. Aimino.

Mr. Lovel had a question about the gates being about 100 feet or so further west which puts them right next to him. K. Hovnanian has not offered to share with them the details of the gate mechanism and how it is controlled. What happens on a Monday morning when someone comes to the gate and realizes they don't have a gate opener? They have heard there will be closed circuit television, they've heard lots of things but the residents don't know what really is going to happen and he thinks as a courtesy it should be revealed now.

Mr. Papa stated that if someone doesn't have a card they will have to pull over and make the U-turn, a big truck would have to call the main gate and have them open the gate.

P. Lott asked if there was a reason why they were not sharing the details with the residents.

Mr. Smith stated there is no reason that he is aware of and unfortunately, he does not know the details but would certainly happy to take Mr. Lovel's number and get some information to him on how that gate is going to work.

Mr. Lovel stated that the property manager should get the information. He specifically wants to know if there is closed circuit television. He believes this is a concern for security. How is someone at the main gate going to be able to tell if the person trying to get in at the back gate is telling the truth about who they are?

Chairman Schwager asked if there was ever any commitment from K. Hovnanian to install closed circuit television at this gate. Mr. Smith stated that it is not in connection with any approvals before this Board. He thinks some of the recent comments from Mr. Lovel are really association management issues.

Mr. Lovel stated that K. Hovnanian is the company that is obligated to provide the facilities that they promised the residents. Mr. Smith stated that they are the entity that is responsible to provide what we promised to the residents, right now he can't tell you what exactly was promised.

Chief Marino agrees with Mr. Lovel, he was under the impression that there was going to be a monitor there for the safety of the residents. He believes the parties should come in and sit down and talk with him and his staff.

Chairman Schwager agrees because as a Land Use Board the jurisdiction only goes so far, their job is to make sure that the applicants comply with the ordinance. It sounds like there are concerns but those concerns are more for an HOA than the Township. It sounds like K. Hovnanian has a communication problem out there and they have an obligation to the residents.

Mr. Lovel asked if the aesthetics details on file are the ones that will be adhered to. Chairman Schwager stated that they have to be, they are not looking to amend the aesthetics.

Sue O'Donnell of 8 Maple Grove Court was sworn in by Mr. Aimino. Ms. O'Donnell reiterated what Mr. Lovel spoke about concerning the gate access, stating that it was always their understanding that access to their community would be the same whether you were coming in the front gate or the back gate ~ that is there would be proper lighting and the person letting you in would know who you are and why you were there. So they have always expected lighting, cameras a monitoring system and things like that.

She also heard a lot of talk about sidewalks and it being the HOA's responsibility and the right of way sidewalks. She asked for an explanation of this. Mr. Papa explained it to Ms. O'Donnell.

Patricia George of 9 Wilshire Blvd. was sworn in by Mr. Aimino. Ms. George is also concerned about safety coming through the gate. Sometimes there are 2 or 3 other cars that come through when the gate opens. She thinks they need a camera to insure their safety.

Chairman Schwager stated that is the Land Use Boards job to make sure the applicant adheres to the ordinances; we don't have the jurisdiction or the authority to force the applicant to install a camera.

Ms. George asked how they are to be assured that they will do what they said they were going to do. Some of the things that K. Hovnanian said they were going to do, they have not done yet.

Chairman Schwager stated it may wind up being a legal battle between K. Hovnanian and the HOA. Our job as the Land Use Board is to make sure that they conform to the Land Use Zoning and Site Plan.

Ms. George asked if it has been determined what type of gate they will be getting. Mr. Smith stated that they will live up to their agreement. Ms. George stated that she keeps hearing "we are going to do that"; she believes that the residents need to be heard.

With no further public comment J. Casella made a motion to close the public portion which was seconded by P. Lott. All were in favor.

F. Costantini asked T. Kernan if the lighting has changed since they changed the gate. Mr. Papa answered stating that it is uniform lighting following the community.

Chairman Schwager stated that Mr. Lovel gave him 3 sheets of paper and wanted to know where he got it from. Mr. Lovel stated that it was given to him on a disc by the property manager, Bob Boyles and the disc is on file with him and what he was told is it is an exact replica of the approved drawings from November of '06.

Mr. Smith stated that he has no objection to Mr. Lovel handing in documents that he has been told are approved plans, but he does have an objection to them being entered into the record as evidence, clearly they are inadmissible. Mr. Smith stated that they are not seeking to change anything that has been approved.

With nothing further to discuss F. Costantini made a motion to approve the amendment to the final application limited to the sidewalk adjustments as shown, moving the location of the gate and opening the median near the new position of the gate with all other previous landscaping, etc. staying in tact from the previously approved plan. This is based on the Testimony and representations from the applicant and their professionals and the Testimony and reports from our Planner and Engineer and subject to any other necessary approvals from any other body having jurisdiction. Mike Aimino added as well as any commitments that were made by the applicant today. F. Costantini agreed to this. J. Juliano seconded by the motion. Roll was as follows:

P. Lott – yes, J. Juliano – yes, J. Casella – yes, Chief Marino – yes, J. Descano – yes, Mayor Maccarone – yes, F. Costantini – yes, Chairman Schwager – yes, B. Rushton – yes.

Chairman Schwager added that he hopes they communicate with their residents just what they are doing before they actually leave town. Also, we will be looking into the file next week and if there are any commitments to closed circuit TV, they will have to do it and we will hold them accountable.

Next on the Agenda is Villages 1 at Weatherby, Section 2 this is an Amended Final Major Subdivision.

Mr. William Bowe was present to represent the applicant.

Mr. James Miller ~ Planner, Ken Schatz ~ Summit Ventures, David Horner – Traffic Engineer and Mr. Bill Ralston ~ Consulting Engineer Services were all sworn in by Mr. Aimino.

Mr. Jim Miller continued explaining the changes to the plan stating that it is basically to amend the phasing and that is being driven by the way the job is evolving.

Mr. Bowe stated that they are withdrawing the portion of the application regarding the signs based on the review by the Boards Professionals.

Mr. Bill Ralston continued with a brief background of the project and the changes that will be incorporated into the plan.

Jim McKelvie continued with his letter dated November 4, 2013. He stated that several of the comments relate to things that may not have been identified as revisions on the plans and he wants to be clear as to what exactly was revised, so if possible he would like a copy of the proof plans and the approved storm water report as well as identify the revisions on the current plans.

Mr. Ralston stated that was not a problem and will provide the items to Mr. McKelvie.

P. Lott asked about yard drains and who will be responsible for them. Mr. Ralston replied that they will be in an easement off the properties so Woolwich Twp. will be responsible for them. Mr. Lott asked if there is one HOA for this whole project or does each phase have an HOA. Mr. Bowe stated that there is one master but each phase has a separate one.

Chairman Schwager asked if the HOA handles the basin why would the Township handle the yard drains. Mr. Bowe stated he does not know the answer to that.

Traffic patterns and a turnaround were discussed.

Tim Kernan continued with his letter dated November 4, 2013. He began with discussing the plantings for Basins E and F. Discussion ensued over when the plantings should go in.

Mr. Dave Horner continued discussing the traffic evaluation prepared by his office. The road openings were discussed.

J. Casella made a motion to open to the public which was seconded by Chief Marino. All were in favor.

With no public comment, J. Descano made a motion to close and was seconded by J. Casella. All were in favor.

The yard drains were discussed again and Chairman Schwager asked if there was any way they can be incorporated into the HOA.

With nothing further to discuss, F. Costantini made a motion to approve the amendment to the plans for Final Subdivision based on the testimony from the applicants and the professionals on the testimony and reports from the Boards Engineer and Planner subject to the representations and agreements made by the applicant during the hearing, subject to obtaining any necessary approvals from any other body having jurisdiction, subject to any other terms and conditions as seen fit by our attorney and that they provided turnarounds for complying with RSIS to the satisfaction of our Planner and the Fire Company. P. Lott seconded the motion. Roll was as follows:

P. Lott – yes, J. Juliano – yes, J. Casella – yes, Chief Marino – yes, J. Descano – yes, Mayor Maccarone – yes, F. Costantini – yes, Chairman Schwager – yes, B. Rushton – yes.

Chairman Schwager asked the applicant to look at the sidewalks. Mr. Miller discussed the plan for the pedestrian path on both sides and they are working on it.

With nothing further to discuss, J. Casella made a motion to adjourn which was seconded by P. Lott. All were in favor.

The JLUB meeting adjourned at 8:35 pm.

Respectfully submitted,

Christina M. Marquis
Joint Land Use Secretary

***Minutes not verbatim
Audio recording on file***